UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,711	12/28/2000	Sridhar Obilisetty	VNET-P002	8335

7590   11/17/2004

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EXAMINER
ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		09/751,711	OBILISETTY, SRIDHAR	
		Examiner	Art Unit	
		Ovidio Escalante	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 December 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

  1.   Determining the scope and contents of the prior art.
  2.   Ascertaining the differences between the prior art and the claims at issue.
  3.   Resolving the level of ordinary skill in the pertinent art.
  4.   Considering objective evidence present in the application indicating obviousness
         or nonobviousness.

3.   Claims 1-10,11-21 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schoof, II US Patent 5,440,624 in view of Bodo et al. US Patent 6,122,239.

   Regarding claim 1, Schoof teaches a method for recording information (abstract; col. 10,

lines 45-57) comprising the steps of:

       a) recording audio content, (col. 3, line 62-col. 4, line 19; col. 6, line 64-col. 7, line 6);

       c) receiving an input specifying a function for controlling said recording, said input

receivable and said function executable while a recording session is in progress, (col. 10, lines

45-57; fig. 4); and

       d) accessing a particular one of a plurality of voice files in response to said input and

according to said function, (col. 4, lines 4-35; col. 10, lines 45-68).

While Schoof teaches of storing the audio data as digital data, Schoof does not specifically teach of partitioning said audio data into a plurality of sequenced voice files.

In the same field of endeavor, Bodo teaches that it was well known in the art to partition audio content into a plurality of temporally sequenced voice files (col. 2, lines 35-51), wherein each of said plurality of voice files stores a contiguous segment of said audio content, (col. 1, line 66-col. 2, line 34);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the audio data of Schoof by partitioning the audio data as taught by Bodo so that time-based retrieval of recorded data would be possible.

Regarding claims 2, 13 and 24, Schoof, as applied to claims 1, 12 and 23, teaches accessing a particular point in said particular one of said plurality of voice files in response to said input, (col. 4, lines 4-35; col. 10, lines 45-68).

Regarding claims 3, 14 and 25, Schoof, as applied to claims 1, 12 and 25, teaches wherein said step a) comprises the step of a1) digitizing said audio content, (col. 6, line 64-col. 7, line 6; col. 10, lines 45-57).

Regarding claims 4, 15 and 26, Schoof in view of Bodo, as applied to claims 1, 12 and 23, teaches wherein said step b) comprises the steps of:

b1) recording a first portion of said audio content over a first interval of time, (col. 2, lines 14-34, Bodo);

b2) storing said first portion in a first voice file, (col. 2, lines 14-34, Bodo);

b3) recording a second portion of said audio content contiguous to said first portion over a second interval of time following said first interval of time, (col. 2, lines 35-51, Bodo); and

b4) storing said second portion in a second voice file, (col. 2, lines 34-51, Bodo).

As stated above, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the audio data of Schoof by partitioning the audio data as

taught by Bodo so that time-based retrieval of recorded data would be possible.

Regarding claims 5, 16 and 27, Schoof in view of Bodo as applied to claims 4,15 and 26,

teaches wherein said first interval of time and said second interval of time are substantially equal,

(col. 2, lines 14-51, Bodo).

Regarding claims 6, 17 and 28, Schoof, as applied to claims 1, 12 and 23, teaches

wherein said input is for a rewind command, (col. 4, lines 4-26; col. 10, lines 45-57).

Regarding claims 7, 18 and 29, Schoof in view of Bodo, as applied to claims 6, 17 and

28, teaches wherein said step d) comprises the step of accessing an earlier voice file in said

plurality of temporally sequenced voice files in response to said rewind command, (col. 4, lines

4-26; col. 10, lines 45-57, Schoof).

Regarding claims 8, 19 and 30, Schoof, as applied to claims 1, 12 and 23, teaches

wherein said input is for a fast forward command, (col. 4, lines 27-35; col. 10, lines 45-57).

Regarding claims 9, 20 and 31, Schoof in view of Bodo, as applied to claims 8, 19 and

30, teaches wherein said step d) comprises the step of: accessing a later voice file in said

plurality of temporally sequenced voice files in response to said fast forward command, (col. 4,

lines 27-35; col. 10, lines 45-57).

Regarding claims 10, 21 and 32, Schoof, as applied to claims 1, 12 and 23, teaches

receiving instructions for implementing said function from a server computer system via a LAN,

(col. 5, lines 31-38). Schoof does not specifically teach of receiving the information via the Internet.

In the same field of endeavor, Bodo teaches of receiving instruction from a server computer system via a LAN and wherein the LAN can be replaced with the Internet, (col. 14, lines 5-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection of Schoof by connected to the server via the Internet as taught by Bodo so that the wide area networks can be used in communicating with the computer system.

Regarding claim 12, Schoof, teaches a computer system (abstract; fig. 1A) comprising:

a bus, (fig. 1A, fig. 1B and fig. 5A; col. 5, line 62-col. 6, line 4);

a memory unit coupled to said bus, (col. 11, lines 10-20); and

a processor (conference controller) coupled to said bus, (col. 5, line 62-col. 6, line 4), said processor for executing a method for recording information comprising the steps of:

a) recording audio content, (col. 3, line 62-col. 4, line 19; col. 6, line 64-col. 7, line 6);

c) receiving an input specifying a function for controlling said recording, said input receivable and said function executable while a recording session is in progress, (col. 10, lines 45-57; fig. 4); and

d) accessing a particular one of a plurality of voice files in response to said input and according to said function, (col. 4, lines 4-35; col. 10, lines 45-68).

While Schoof teaches of storing the audio data as digital data, Schoof does not specifically teach of partitioning said audio data into a plurality of sequenced voice files.

In the same field of endeavor, Bodo teaches that it was well known in the art to partition

audio content into a plurality of temporally sequenced voice files (col. 2, lines 35-51), wherein

each of said plurality of voice files stores a contiguous segment of said audio content, (col. 1,

line 66-col. 2, line 34);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the audio data of Schoof by partitioning the audio data as taught

by Bodo so that time-based retrieval of recorded data would be possible.

Regarding claim 23, Schoof teaches a computer-usable medium having computer-

readable program code embodied therein for causing a computer system to perform the steps of:

a) recording audio content, (col. 3, line 62-col. 4, line 19; col. 6, line 64-col. 7, line 6);

c) receiving an input specifying a function for controlling said recording, said input

receivable and said function executable while a recording session is in progress, (col. 10, lines

45-57; fig. 4); and

d) accessing a particular one of a plurality of voice files in response to said input and

according to said function, (col. 4, lines 4-35; col. 10, lines 45-68).

While Schoof teaches of storing the audio data as digital data, Schoof does not

specifically teach of partitioning said audio data into a plurality of sequenced voice files.

In the same field of endeavor, Bodo teaches that it was well known in the art to partition

audio content into a plurality of temporally sequenced voice files (col. 2, lines 35-51), wherein

each of said plurality of voice files stores a contiguous segment of said audio content, (col. 1,

line 66-col. 2, line 34);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the audio data of Schoof by partitioning the audio data as taught by Bodo so

that time-based retrieval of recorded data would be possible.

4.   Claims 11,22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schoof in view of Bodo and further in view of Jimenez et al. US Patent Pub. 2002/0006124.

Regarding claims 11, 22 and 33, Schoof in view of Bodo, as applied to claims 1,12 and

23, teaches everything except wherein said function is implemented as a VXML (Voice

Extensible Markup Language) tag.

In the same field of endeavor, Jimenez teaches that it was well known in the art to send

voice data via the Internet as a VXML tag, (paragraphs 0006, 0008 and 0024).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the function of Schoof by implement the function as a VXML as

taught by Jimenez so that voice audio data can be transmitted via the Internet.

Conclusion

5.   Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, Virginia 22313-1450

or faxed to:

> (703) 872-9306, (for formal communications intended for entry)

Or:

> (703) 872-9306, (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

> 220 20th Street S.
> Crystal Plaza two, Lobby, Room 1B03
> Arlington, VA 22202

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The

examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PATENT EXAMINER

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Examiner
Group 2645
November 15, 2004

O.E./oe